

# Notice of Allowability

Application No.

09/714,665

Examiner

Donald L. Champagne

Applicant(s)

URBANSKI ET AL.

Art Unit

3688

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's amendment and Rule 132 declaration accepted 23 August 2010.
2. ☒ The allowed claim(s) is/are 67-70, 72-80, 82-85, 87-95, 97-100, 102-110, 112-115, 117-125 and 127-130.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 18 August 2010.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Donald L. Champagne/  
Primary Examiner, Art Unit 3688

## DETAILED ACTION

### *Examiner's Amendment*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. The application has been amended as indicated in the attached examiner's amendment. This examiner's amendment was agreed to by Ronald E. Prass, Jr., Esq., on 23 August 2010.

### *Claim Interpretation*

3. An **information site** is interpreted to be any site on an electronic network that can provide information over the network. This is broader than and supersedes the interpretation given in the last Office action (para. 5 of the action mailed 13 April 2010). As interpreted, an **information site** includes a source of information on a telephone network.
4. **Advertiser information** is interpreted to be "advertising", a term of art meaning any public information that promotes.
5. When used in a machine or apparatus to communicate with an information site, a **network address** is functional descriptive material. A telephone number and a website address are both example network addresses.

### *Allowable Subject Matter*

6. Claims 67-70, 72-80, 82-85, 87-95, 97-100, 102-110, 112-115, 117-125 and 127-130 are allowed.
7. The following is an examiner's statement of reasons for allowance: The claims are limited to a new specialized "information site" (e.g., a website), "characterized by a new network address, said network address relating to a particular subject matter". By definition, there can be no prior that exactly reads on the claims because any prior art information site could not be "new". The closest prior art is "FTD.com", comprising pages from a website that

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differ from the instant invention only in not being a "new information site". The closest US patent art is DeLorme (US 5,948,040 A, made of record by the examiner on 29 June 2007).

8. The claims encompass new information site network addresses that could be obvious to one of ordinary skill in the art. The applicant is entitled to patent protection for these obvious variants by having submitted a declaration demonstrating significant commercial success in developing specialized information sites. The declaration, by inventor Michael Urbanski, who is also CEO of the Assignee, Heavy Hammer, Inc., describes in very readable detail how he created a series of successful specialized information sites over a decade that materially rely on the instant invention. This amply satisfies the requirements of MPEP ¶ 716 and 716.03. The examiner has provided above the required comparison with the best prior art (MPEP ¶ 716.02(e)).
9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

24 August 2010

/Donald L. Champagne/  
Primary Examiner, Art Unit 3688